



House of Representatives

General Assembly

File No. 530

February Session, 2018

Substitute House Bill No. 5246

House of Representatives, April 17, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ELIMINATING THE STATUTE OF LIMITATIONS IN THE CASE OF CERTAIN SEXUAL ASSAULT OFFENSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-193 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018, and*
3 *applicable to any offense committed on or after October 1, 2018, and to any*
4 *offense committed prior to October 1, 2018, for which the statute of*
5 *limitations in effect at the time of the commission of the offense had not yet*
6 *expired as of October 1, 2018*):

7 (a) There shall be no limitation of time within which a person may
8 be prosecuted for (1) a capital felony under the provisions of section
9 53a-54b in effect prior to April 25, 2012, a class A felony or a violation
10 of section 53a-54d or 53a-169, a class B felony violation of section 53a-
11 70 or 53a-70a, a class D felony violation of section 53a-73a, or a
12 violation of section 53a-70b, 53a-71, 53a-72a or 53a-72b, (2) a violation
13 of section 53a-165aa or 53a-166 in which such person renders criminal
14 assistance to another person who has committed an offense set forth in

15 subdivision (1) of this subsection, (3) a violation of section 53a-156
16 committed during a proceeding that results in the conviction of
17 another person subsequently determined to be actually innocent of the
18 offense or offenses of which such other person was convicted, or (4) a
19 motor vehicle violation or offense that resulted in the death of another
20 person and involved a violation of subsection (a) of section 14-224.

21 (b) No person may be prosecuted for any offense, other than an
22 offense set forth in subsection (a) of this section, for which the
23 punishment is or may be imprisonment in excess of one year, except
24 within five years next after the offense has been committed.

25 (c) [No] (1) Except as provided in subdivision (2) of this subsection,
26 no person may be prosecuted for any offense, other than an offense set
27 forth in subsection (a) or (b) of this section, except within one year next
28 after the offense has been committed.

29 (2) No person may be prosecuted for a class A misdemeanor
30 violation of section 53a-73a, except within ten years next after the
31 offense has been committed.

32 (d) If the person against whom an indictment, information or
33 complaint for any of said offenses is brought has fled from and resided
34 out of this state during the period so limited, it may be brought against
35 such person at any time within such period, during which such person
36 resides in this state, after the commission of the offense.

37 (e) When any suit, indictment, information or complaint for any
38 crime may be brought within any other time than is limited by this
39 section, it shall be brought within such time.

40 Sec. 2. Section 54-193a of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2018, and*
42 *applicable to any offense committed on or after October 1, 2018, and to any*
43 *offense committed prior to October 1, 2018, for which the statute of*
44 *limitations in effect at the time of the commission of the offense had not yet*
45 *expired as of October 1, 2018*):

46 Notwithstanding the provisions of section 54-193, as amended by
47 this act, [no person may be prosecuted for any offense, except a class A
48 felony,] there shall be no limitation of time within which a person may
49 be prosecuted for an offense involving sexual abuse, sexual
50 exploitation or sexual assault of a minor, [except within thirty years
51 from the date the victim attains the age of majority or within five years
52 from the date the victim notifies any police officer or state's attorney
53 acting in such police officer's or state's attorney's official capacity of the
54 commission of the offense, whichever is earlier, provided if the
55 prosecution is for a violation of subdivision (1) of subsection (a) of
56 section 53a-71, the victim notified such police officer or state's attorney
57 not later than five years after the commission of the offense.]

58 Sec. 3. Section 54-193b of the general statutes is repealed. (*Effective*
59 *October 1, 2018*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018, and applicable to any offense committed on or after October 1, 2018, and to any offense committed prior to October 1, 2018, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2018</i>	54-193

Sec. 2	<i>October 1, 2018, and applicable to any offense committed on or after October 1, 2018, and to any offense committed prior to October 1, 2018, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2018</i>	54-193a
Sec. 3	<i>October 1, 2018</i>	Repealer section

JUD*Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill eliminates the statute of limitation for certain felony sexual assault crimes and extends the statute of limitations from one year to 10 years for a specified sexual assault crime. To the extent that this change results in more offenders being prosecuted and convicted, this bill results in a potential cost for incarceration or probation supervision in the community. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900¹ while the average marginal cost for supervision in the community is less than \$700² each year.

In FY 17, there was over 812 charges for the offenses listed, with 368 receiving a guilty charge or plea bargain. As of January 2018, there are approximately 704 persons incarcerated for the offenses listed and approximately 522 on probation.

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sHB 5246*****AN ACT ELIMINATING THE STATUTE OF LIMITATIONS IN THE CASE OF CERTAIN SEXUAL ASSAULT OFFENSES.*****SUMMARY**

This bill eliminates the criminal statute of limitations for all felony sexual assault crimes and all other crimes involving sexual abuse, sexual exploitation, or sexual assault of a minor.

It also increases, from one year to 10 years, the statute of limitations for 4th degree sexual assault when the victim is age 16 or older (this is a class A misdemeanor).

Under current law for sexual assault crimes:

1. there is no statute of limitations for (a) those crimes that are class A felonies or (b) certain crimes involving DNA evidence;
2. in other cases involving minors, there is an extended statute of limitations; and
3. in cases not covered by (1) or (2), the statute of limitations is generally five years.

EFFECTIVE DATE: October 1, 2018, and the bill applies to (1) offenses committed on or after the effective date and (2) offenses committed before then if the statute of limitations in effect when the offense was committed has not expired as of October 1, 2018.

ELIMINATING THE STATUTE OF LIMITATIONS FOR SEXUAL ASSAULT

The bill eliminates the statute of limitation for the following crimes:

1. 1st degree sexual assault and 1st degree aggravated sexual

assault, in cases where either crime is a class B felony (there is already no limitation on prosecuting other cases of these crimes);

2. sexual assault in a spousal or cohabiting relationship;
3. 2nd degree sexual assault;
4. 3rd degree sexual assault and 3rd degree sexual assault with a firearm; and
5. 4th degree sexual assault in cases where the crime is a class D felony.

The bill correspondingly repeals a law providing that there is no statute of limitations for certain sexual assault crimes if the (1) victim reports the crime to the police or a prosecutor within five years of the date it is committed and (2) alleged offender's identity is established through DNA evidence collected at the time of the offense. (Under the bill, all of the crimes covered by this law have no statute of limitations.)

The bill also eliminates the statute of limitations in any offense involving sexual abuse, sexual exploitation, or sexual assault of a minor. Under current law, except for certain crimes with no limitation period already (i.e., class A felonies or cases with DNA evidence), the statute of limitations is generally up to (1) the victim's 48th birthday or (2) five years from the date the victim notifies the police or a prosecutor of the crime, whichever is earlier.

BACKGROUND

Related Bills

The Judiciary Committee favorably reported three other bills on this topic.

sSB 132 (§§ 15-17) contains identical provisions to this bill.

SB 237 creates a task force to study the statute of limitations for the prosecution of sexual assault crimes.

SB 238 extends the criminal statute of limitations for certain sexual assault crimes from five years to 10 years.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 26 Nay 14 (04/03/2018)